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May 21, 2003

Via Facsimile: 410-966-2830 Via U.S. Mail

Office of Regulations
Social Security Administration
100 Altmeyer Building
6401 Security Blvd.
Baltimore, MD 21235-6401

Re:

Social Security Administration Proposed Rule Regarding Evidence Requirements for Assignment of Social Security Numbers ("SSNs") for

Non-Work Purposes

Docket ID: [Regs 22: 0960-AF05]

Published March 26, 2003 [FR Doc. 03-07188]

Dear Madam or Sir:

This letter is written to voice the Japanese Chamber of Commerce and Industry of Chicago's objection to the Social Security Administration's proposal to amend the definition of "valid non-work purpose" to preclude issuance of social security numbers to individuals who require such numbers to receive a state driver's license.

The Japanese Chamber of Commerce and Industry of Chicago (the "JCCC") is a not-for-profit organization established in the State of Illinois. The JCCC represents the concerns and interests of its 500 plus corporate members, most of whom are Midwest-based companies owned by Japanese corporate interests. As such, currently in the State of Illinois, our Japanese-owned business members employ approximately 48,000 U.S. workers and regularly maintain upwards of 2,300 foreign nationals transferred to provide executive and managerial expertise, as well as highly skilled technical know-how to the U.S. operations. These same transferees are, in most cases, accompanied by their spouses and children to reside with them during the period of their employment in the United States. Each of these foreign nationals shall be in possession of proper nonimmigrant status granted by the appropriate United States issuing authority. The principal transferees shall be in possession of visas that will permit them to work at the subsidiaries of the companies that have sent them and the right to receive compensation for their efforts from

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their local employer. Their spouses and/or family members would be entitled to live in the United States with the principal transferee, but these persons would not, without special permission, be entitled to work in the United States. Therefore, these persons would not be entitled to receive social security numbers ("SSNs") unless another valid non-work purpose permitted such receipt.

Many states of these United States routinely require the presentation of a valid SSN by each applicant for a driver's license in such state. In some states, such as Illinois, no driver's license will be issued without such SSN. Heretofore, the procuring of a driver's license would permit the issuance of an SSN to such applicant. The proposed rule change would now prohibit that.

The inability to secure an SSN under the circumstances presented by the proposed regulation will prevent many of these foreign nationals, lawfully in the United States, from securing a driver's license. This situation results in non-working spouses, mostly mothers who legally reside in the State of Illinois and who meet all governmental requirements for residency, being precluded by the lack of an SSN from being able to drive an automobile legally in the State of Illinois. This circumstance will prevent them from driving their children to and from school, to soccer and violin practice, from driving to the grocery store to obtain daily essentials and from driving to the doctor for necessary medical care. Please note that, because of this situation, mothers are not the only people affected. Teenaged members of these foreign nationals' families who have reached the age that would otherwise permit them to apply for a driver's license will be unable to do so because of their inability to have an SSN issued to them.

It is for the above reasons that we urge the Social Security Administration not to adopt the proposed regulation as it relates to modifying the definition of "valid non-work purpose." Concerns that are expressed by the administration in their proposed regulation can be addressed by means of alternatives that have less significant impact to this affected class of law-abiding citizens.

The SSA has indicated that the problem of SSN misuse, i.e. using a non-work SSN to engage in unauthorized employment, will somehow be minimized by adoption of the proposed rule. We would submit that while this concern is laudable, the same study which the SSA uses to illustrate the problem (Office of the Inspector General Audit Report A-14-01-11048, March 2002) also indicates that the current problem is not caused by the ability of applicants to

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secure SSNs for driver's license purposes, but rather the inability of the INS (now, the BICE) to effectively enforce the immigration laws against those who choose to violate them. In the process, as described herein, those persons who attempt to comply with these laws, our JCCC members, are most likely to be burdened by the negative consequences of the changes proposed.

The SSA proposal for change suggests that, because individual taxpayer identification numbers are now readily available to individuals who are otherwise ineligible for receipt of SSNs, the change will not present significant problems for applicants of driver's licenses. This position disregards the fact that Illinois is one of the states that routinely welcomes a large number of foreign national transferees who come to work and live in the United States and would require an Illinois driver's license to carry on their daily lives here. Illinois is also one state that heretofore has refused to consider the use of the alternative identifier (the ITIN) in lieu of an SSN. Thus, foreign nationals residing in Illinois still require the SSN for their driver's licenses to be issued.

Efforts are being considered in the State of Illinois to change the requirements for driver's license applications, including the possibility of developing a unique identifier number in lieu of the SSN requirement. Notwithstanding, this effort is moving very slowly. Thus, alternatively we would ask that the Social Security Administration consider suspending their action with respect to this change in the definition of valid non-work purpose until such time as states such as Illinois implement other possible options to the use of the SSN.

In summary, we urge the Social Security Administration not to make the proposed change in the definition of valid non-work purpose so that the significant number of foreign nationals who properly live in states such as the State of Illinois that require SSNs for driver's license issuance, can receive the rights and privileges afforded to all residents, including the right to receive a driver's licenses.

Very truly yours,

JAPANESE CHAMBER OF COMMERCE AND INDUSTRY
OF CHICAGO